

94TH CONGRESS
1ST SESSION

S. 2054

IN THE SENATE OF THE UNITED STATES

JULY 8 (legislative day, JULY 7), 1975

Mr. MAGNUSON (for himself and Mr. PEARSON) (by request) introduced the following bill; which was read twice and referred to the Committee on Commerce

A BILL

To amend section 203 and 204 of the Communications Act of 1934.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. Section 203 (b) of the Communications Act
4 of 1934 (47 U.S.C. 203 (b)) is amended by deleting
5 “thirty” and inserting in lieu thereof “ninety”.

6 SEC. 2. Section 204 of the Communications Act of 1934
7 (47 U.S.C. 204), is amended to read as follows:

8 “SEC. 204. (a) Whenever there is filed with the Com-
9 mission any new or revised charge, classification, regulation,
10 or practice, the Commission may either upon complaint or
11 upon its own initiative without complaint, upon reasonable

1 notice, enter upon a hearing concerning the lawfulness there-
2 of; and pending such hearing and the decision thereon the
3 Commission, upon delivering to the carrier or carriers af-
4 fected thereby a statement in writing of its reasons for such
5 suspension, may suspend the operation of such charge, classi-
6 fication, regulation, or practice, in whole or in part but not
7 for a longer period than nine months beyond the time when
8 it would otherwise go into effect; and after full hearing the
9 Commission may make such order with reference thereto as
10 would be proper in a proceeding initiated after such charge,
11 classification, regulation, or practice had become effective.
12 If the proceeding has not been concluded and an order made
13 within the period of the suspension, the proposed new or
14 revised charge, classification, regulation, or practice shall
15 go into effect at the end of such period; but in case of a
16 proposed charge for a new service or an increased charge,
17 the Commission may by order require the interested carrier
18 or carriers to keep accurate account of all amounts received
19 by reason of such charge for a new service or increased
20 charge, specifying by whom and in whose behalf such
21 amounts are paid, and upon completion of the hearing and
22 decision may by further order require the interested carrier
23 or carriers to refund, with interest, to the persons in whose
24 behalf such amounts were paid, such portion of such charge
25 for a new service or increased charges as by its decision

1 shall be found not justified. The Commission shall give to
2 the hearing and decision of such questions preference over
3 all other questions pending before it and decide the same as
4 speedily as possible.

5 “(b) Notwithstanding the provisions of subsection (a)
6 of this section, the Commission may allow part of a charge,
7 classification, regulation, or practice, to go into effect, based
8 upon a written showing by the carrier or carriers affected,
9 and an opportunity for written comment thereon by affected
10 persons, that such partial authorization is just, fair, and rea-
11 sonable. Additionally, or in combination with a partial au-
12 thorization, the Commission, upon a similar showing, may
13 allow all or part of a charge, classification, regulation, or
14 practice to go into effect on a temporary basis pending
15 further order of the Commission. Authorizations of tem-
16 porary new or increased charges may include an accounting
17 order of the type provided for in subsection (a).”.

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By Mr. MAGNUSON and Mr. PEARSON

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